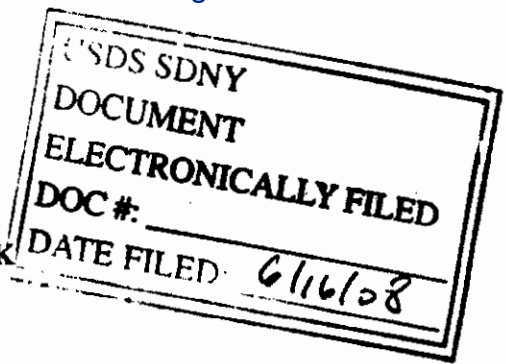


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



BOUCAUD, ANDRE M, ET AL.,

Plaintiffs,

-v.-

THE CITY OF NEW YORK and
THE NEW YORK CITY DEPARTMENT
OF JUVENILE JUSTICE

Defendants

No. :07-cv-11098-RJS

CASE MANAGEMENT PLAN
AND
SCHEDULING ORDER
ECF

RICHARD J. SULLIVAN, District Judge:

~~At the conference before the Court held on~~ *hereby adopts* this Case Management Plan and Scheduling Order ~~was adopted~~ in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure.

1. All parties do not consent to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c)
2. This case is to be tried to a jury.
3. No parties may be joined except with leave of the Court.
4. Amended pleadings may not be filed except with leave of the Court.
5. All fact discovery, other than Requests for Admission, is to be completed no later than October 31, 2008.
7. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶ 6 above:
 - a. Initial requests for production of documents to be served by July 24, 2008.
 - b. Interrogatories to be served by July 24, 2008.

- c. Depositions to be completed by September 30, 2008.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.
 - d. Requests for Admissions are to be served no later than November 17, 2008.
8. All *expert* disclosures, including reports and production of underlying documents:
- a. Experts of Plaintiffs: October 31, 2008.
 - b. Experts of Defendants: November 28, 2008.

Expert depositions are to be completed by December 31, 2008.

9. All discovery is to be completed no later than January 9, 2009.
10. The Court will schedule a post-discovery status conference (see ¶ 16) within three weeks of the close of all discovery.
11. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 16. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter. *Pre-motion letters shall be ~~submitted~~ submitted by Jan. 17, 2009; responses by January 16, 2009.*
12. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for the parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:
- a. X Referral to a Magistrate Judge for settlement discussions
MS Bolinger shall contact re panel by Oct. 2009.
 - b. Referral to the Southern District's Mediation Program
13. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). Proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

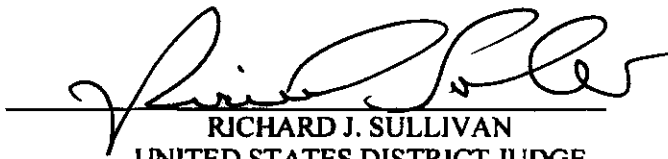
14. Parties have conferred and their present best estimate of the length of trial is 10 days, assuming that proof is limited to a small number of representative plaintiffs.

15. [Additional Provisions from the Court] *No extensions to this case management plan will be granted absent truly compelling circumstances.*

16. The post-discovery status conference is scheduled for Jan. 30, 2009 at 930 a.m.

SO ORDERED.

DATED: New York, New York
June 16, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE